

Chapter 26

OFF-STREET PARKING AND LOADING*

Art. I.	In General, §§ 26-1—26-19
Art. II.	Requirements for Parking Spaces, §§ 26-20—26-30
Art. III.	Loading Facilities Requirement, §§ 26-31—26-39
Art. IV.	Building Permits, §§ 26-40—26-49
Art. V.	Variances, §§ 26-50—26-59
Art. VI.	Construction and Maintenance, §§ 26-60, 26-61

ARTICLE I. IN GENERAL

Sec. 26-1. Purpose and applicability.

(a) This chapter is enacted for the purpose of requiring all persons developing new and redeveloping existing buildings within the City of Houston to provide sufficient off-street parking and loading facilities for such buildings. It is the intent that the provision for parking and loading be provided at all times while these buildings are occupied or otherwise in use, and that no building may be permitted to be used or occupied without provision for the facilities as required in articles II, III and VI of this chapter, except as provided in articles IV and V of this chapter.

(b) This chapter applies only:

- (1) To construction of new buildings; and
- (2) To the alteration of existing structures where the alteration results in an increase in:
 - a. The gross floor area of a building; or
 - b. The useable floor area an existing free-standing structure; and
- (3) To a change of land use; and
- (4) To a change of use in a free-standing building from one occupancy class to another occupancy class; and
- (5) To a change of use in a strip or neighborhood shopping center where the addition of a class 6 or 7 occupancy to the strip or

neighborhood shopping center increases the total gross floor area of the shopping center used by class 6 or 7 occupancies.
(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 96-958, § 1, 9-18-96)

Sec. 26-2. Definitions.

For the purpose of this chapter, the following terms, phrases and words will have the meanings ascribed to them. When not inconsistent with the context, words used in the present tense include the future; words in the singular include the plural; and words used in the plural number include the singular number.

Any office referred to herein by title will include the person employed for or appointed to that position or his duly authorized deputy or representative. As used herein the word "building" includes buildings, structures and portions thereof.

Alteration means any change of occupancy or any addition or modification in construction of a building or structure that results in an increase in the gross floor area of a building or in the useable floor area in a free-standing structure.

Apartment house means any building, or portion thereof, which is designed, built, rented, leased, let out or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other, and shall include flats and apartments, and shall include a condominium created under article 1301a, Texas Revised Civil Statutes Annotated (Vernon's).

*Cross references—Ambulances, Ch. 4; automotive dealers and auto wreckers, Ch. 8; manufactured homes and recreational vehicles, Ch. 29; streets and sidewalks, Ch. 40; traffic, Ch. 45; vehicles for hire, Ch. 46.

Arcade or game room means a building designed primarily as a place of amusement and recreation that may include pinball machines, video games and other related amusement machines or devices.

Arena means an enclosed or unenclosed structure or area which includes a large area dedicated to seating for spectators.

Art gallery or museum means a building that contains the facilities for the sale, loan or display of books, paintings, sculptures or other works or objects of art.

Auditorium means a building for use as a place for public and/or private gatherings.

Auto parts and supply store means a building containing a facility for the sale of motor vehicle parts and related items to the general public.

Auto repair establishment means a retail establishment engaged in the sale of automobile fuel, motor oil or repair services essential to the normal operation of motor vehicles.

Auto sales dealer means a building containing a facility for the display, service and retail sales or for the leasing of motor vehicles.

Bar, club or lounge means a building or a place of business that derives 75 percent or more of its gross revenue from the on premise sale of alcoholic beverages and provided that the premises does not hold a food and beverage certificate issued by the Texas Alcoholic Beverage Commission.

Barber and beauty shop means a building containing a facility for the cutting of hair, providing facial and manicure treatments and licensed by the State of Texas as a barber shop or beauty establishment.

Berth means a permanently allweather surfaced, marked area wholly within private property, the configuration of which complies with the written requirements of the traffic engineer for such berths.

Billiard hall means a building or area within containing facilities designed primarily for the purpose of playing the game of billiards.

Bowling alley means a building designed for playing the game of bowling.

Building means any structure or portion thereof, which is built, or otherwise constructed, for the support, shelter or enclosure of persons, animals, or property of any kind.

Building materials or home improvement store means a building, the major use of which is devoted to the sale of lumber, tools, screws, nails, paint, painting materials and related items.

Car wash (automated) means a building containing facilities for washing more than two motorized vehicles using production line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices.

Car wash (all others) means a building for the washing of motorized vehicles.

Central business district or CBD means the area included and bounded by Buffalo Bayou, Chartress Street, Texas Street, Dowling Street, Hadley Street, Hamilton Street, McGowen Street, Bagby Street, and Heiner Street as projected and extended to Sabine Street. Properties abutting and fronting on such streets are included in the district.

An area that has:

- (1) A permanent public transit system;
- (2) Demonstrates a modal split in favor of public transportation;
- (3) An equivalent level of municipally owned public parking; and
- (4) Equivalent levels of vehicular traffic, as determined after a study by the director,

may be added to the above-described area and may, after a public hearing, be designated by the city council as a central business district.

Certificate of occupancy means a document issued by the building official after final inspections certifying that the building or structure complies with the provisions of this chapter and the Construction Code.

Church means a building which is exempt from ad valorem taxes, in which a society of persons

who profess a religious belief regularly assemble for religious worship or religious instruction or for propagating a particular form of religious belief.

Clinic (medical complex) means a group of interrelated buildings in close proximity to one another containing facilities providing all types

human medical care under common management or control including medical or dental professional buildings as a part of such a complex.

Clinic (medical or dental) means a building, the principal use of which is for the offices of physicians or dentists for the examination and treatment of persons on an out-patient basis. A clinic (medical or dental) shall include medical or dental professional buildings which are not a part of a clinic (medical complex) as herein defined.

Clothing store means a building, the major use of which is devoted to the sale of clothing.

College or university means a building containing the facilities for an institution of higher learning beyond the level of secondary schools.

Commission the city's planning commission created by the provisions of chapter 33 of this Code.

Compact car means a vehicle with an overall length of 16 feet or less and an overall width of six feet or less.

Construction means any act of forming, assembling, erecting or building a structure, building or portion thereof.

Convenience market means an establishment which provides services, primarily to individuals, of a convenient and limited nature, often in access-controlled facilities which make twenty-four-hour operation possible. This use may include the renting of private postal and safety deposit boxes to individuals and automated banking machines.

Department means the department of planning and development.

Director means the director of the department of planning and development and his designees.

Discount store means an establishment which primarily sells off-price goods or offers discounted prices for general retail merchandise.

Driving range (golf) means an area containing facilities to hit or impel a ball forcibly as practiced in the game of golf.

Dwelling unit means a single, integral portion of a building that provides complete, independent

living facilities for one or more persons including permanent provisions for living, eating, working and sanitation.

Financial facility means a building with facilities for an establishment authorized to receive and safeguard money, lend money, execute bills of exchange and purchase and exchange foreign currency, including, but not limited to, banks, savings and loan associations and savings banks.

Funeral home or mortuary means an establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals.

Floor area ratio means the resulting number obtained by dividing the total floor area within a structure on a lot by the area of the lot.

Furniture store means a building, the major facility of which is devoted to the retail sale and display of furniture and appliances.

Golf course means a geographically defined area of land for the playing of the game of golf.

Gross floor area or GFA means the numerical expression in square feet of the enclosed gross floor area of the building or structure based upon the area submitted in the building permit application.

Holder of legal interests means a person or entity which holds fee simple title to certain land or structures. This term shall also include lessees who hold a ground lease with a remaining term of at least 20 years.

Hospital means a building containing facilities licensed by the State of Texas to provide medical care of the sick or injured.

Hotel or motel means any building containing guest rooms intended or designed to be used, rented, let out or hired out to be occupied or which are occupied for sleeping purposes by guests.

Industrial facility means a building containing facilities for the commercial production and sale of goods and services.

Library means a building or buildings that contain a repository or collection of literary and artistic materials such as books, periodicals and newspaper.

Loading means the act or activity of transferring items of property to or from a motor vehicle licensed as a truck by the State of Texas.

Loading berth means a designated interior or exterior space for the loading, unloading or parking of trucks and motor vehicles other than motor vehicles principally designed for passengers, that complies with the requirements of article IV of this chapter.

Manufactured home means a structure, transportable in one or more sections, which is eight body feet or more in width and 32 feet or more in length, which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air-conditioning and electrical systems.

Manufacturing facility means a building for the performance of an operation or activity to make or process a raw or partially completed material into a finished or partially finished product.

Memorandum of lease means an agreement in recordable form signed by both a lessor and lessee setting forth the legal description of the property covered, the term of the lease and providing that the applicable property will be used exclusively for the parking of motor vehicles for the related use.

Mini-warehouse facilities means a building or group of buildings within an area primarily designed to contain space in individual compartments available to the general public for rent or lease for storage.

Miniature golf means a simplified version of golf played on a miniature course.

Movie theater means a building containing facilities for showing motion pictures to an audience or audiences.

Museum means a building or buildings that contain facilities for the loan or display of books, objects of art and science.

Nursery school or day care center means a building that contains facilities related to the care and education of children primarily under the age of six years. It shall include, but not be limited to, all buildings and facilities licensed by the State of Texas as registered homes and day care facilities under article 4442a, Texas Revised Civil Statutes Annotated (Vernon's).

Nursing home means a building containing facilities licensed by the State of Texas to provide accommodations for convalescents or other persons who are not acutely ill and not in need of hospital care but require skilled care and related medical services.

Occupancy means the classification of the use of a building or structure pursuant to section 26-21 of this Code.

Off-site parking means a parking facility or facilities located on a site other than the site for which a building or certificate of occupancy is sought and which facilities must be operated in order to comply with the requirements of this chapter.

Office means a building housing professional, administrative, educational, financial, religious, philanthropic, scientific or statistical organizations or a building in which the regular transaction of business occurs if that building has not been covered elsewhere in this chapter.

On-site means a location which is a genuine part of a development and located on a contiguous tract or parcel of land, subdivided lot or contiguous lots, or parts thereof, or on acreage intended and suitable for development. An on-site location does not include properties located across a public street or right-of-way.

Park pavilion means an enclosed or semi-enclosed building containing facilities for picnicking.

Parking management area or PMA means a high density urban development with a minimum

of 3,500,000 GFA and a minimum floor area ratio of 1.0 under a unified management entity in close proximity to permanent transit facilities.

Parking space means an identified marked area wholly within private property which is allweather surfaced and which complies with the requirements of this chapter.

Permit means a building permit or an occupancy certificate issued by the building official.

Private sector parking facility means a facility or facilities used for the purpose of storing parked vehicles.

Psychiatric hospital means a building containing facilities licensed by the Texas Department of Mental Health and Mental Retardation to provide care of the mentally ill or retarded.

Reciprocal easement agreement means a written agreement in recordable form between two or more property owners which includes, but is not limited to, a restriction on the use of certain property for parking purposes and designates the building or buildings which shall be entitled to the exclusive use of the designated parking areas.

Restaurant means a coffee shop, cafeteria, luncheonette, tavern, sandwich stand, soda fountain, and any other eating establishment, organization, or club, including veterans' club which gives or offers food for sale to the general public.

Restaurant (with drive-in or drive-through facilities) means a restaurant which includes facilities for the service of meals, or portions thereof, to a person or persons while in automobiles.

Retail store (freestanding) means a freestanding building which is generally designed for the retail sale or rental of commonly used goods or merchandise including but not limited to, apparel stores, furniture stores, or establishments providing products or services including, but not limited to: household cleaning and maintenance products, drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items, flowers, plants, hobby materials, toys and handcrafted items, jewelry, fabrics, and like items, cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishings and appli-

ances, art supplies, framing supplies, antiques, paint and wallpaper, carpeting, floor covering, interior decorating services, office supplies, or bicycles.

Retirement community (with kitchen facilities) means a building or series of buildings containing two or more individual dwelling units with individual kitchen facilities which are:

- (1) Specifically designed to meet the needs of persons over 55 years of age; and
- (2) Restricted for use for such purposes.

Retirement community (without kitchen facilities) means a building or series of buildings containing two or more dwelling units without individual kitchen facilities which are:

- (1) Specifically designed to meet the needs of persons over 55 years of age; and
- (2) Restricted for use for such purposes.

Roller or ice skating rink means an establishment designed primarily for use as a roller skating or ice skating area with a limited auditorium seating area.

School (public, denominational or private) means a building that contains facilities operated by a public, religious, or other agency with a curriculum for kindergarten, elementary or secondary education.

Service station means a building for the service of motor vehicles including but not limited to, the sale of gasoline and automobile repair and maintenance.

Shared parking means the use of the same off-street parking stall or stalls to satisfy the off-street parking requirements for two or more individual land uses without significant conflict or encroachment.

Shopping center (community) means a group of commercial establishments contained in a building or buildings encompassing a total building area from 100,001 to 400,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.

Shopping center (neighborhood) means a group of commercial establishments contained in a building or buildings encompassing a total building area from 25,001 to 100,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.

Shopping center (regional) means a group of commercial establishments contained in a building or buildings encompassing a total building area from 400,001 to 1,000,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.

Shopping center (strip) means a group of commercial establishments contained in a building or buildings encompassing a total building area from 0 to 25,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.

Shopping center (super regional) means a group of commercial establishments (including but not limited to occupancy class categories 6, 7, 8 and 9) contained in a building or buildings encompassing a total building area in excess of 1,000,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.

Single-family residential dwelling unit means a building designed to contain one or two separate living units with facilities for living, sleeping, cooking and eating.

South Main / Texas Medical Center (South Main / TMC) means the area generally described as follows:

- (1) The area included and bounded by Fannin, Holcombe, North McGregor Way and outer Belt and commonly known as the Original Campus.
- (2) The area included and bounded by Holcombe, Main Street, Maroneal and Montclair and commonly known as the South Main Addition—Hotel Site.

- (3) The area included and bounded by Holcombe, South Braeswood, Braes Bayou and Fannin and commonly known as the Fay Addition.
- (4) The area included and bounded by South Braeswood, Wyndale, Staffordshire, Old Spanish Trail and Selma and commonly known as the South Extension.
- (5) The area included and bounded by Old Spanish Trail, Cambridge, El Paseo and Knight Street and commonly known as the South Campus.
- (6) The area included and bounded by Old Spanish Trail, Almeda, Holcombe and Cambridge and commonly known as the Veteran's Administration Medical Center.
- (7) The area included and bounded by Holcombe, Braes Bayou and the northerly extension of Cambridge and commonly known as the Holcombe/Meyer Tracts.
- (8) The area included and bounded by South McGregor Way, HB&T RR and SH 288 and commonly known as the Anderson Campus.
- (9) The area included and bounded by Main Street, Holcombe, Fannin, Braes Bayou and Greenbriar and commonly known as the South Main Addition.
- (10) The area included and bounded by Fannin, Main, Holcombe and outer Belt.
- (11) The area included and bounded by Holcombe, South Braeswood and Braes Bayou and commonly known as the Center Pavilion site.
- (12) The area included and bounded by South Braeswood, Greenbriar, Old Spanish Trail and North Stadium and commonly known as one of the Smith Tracts.
- (13) The area bounded by South Braeswood to the north and Greenbriar to the west, and being approximately the western half of the area included and bounded by South Braeswood, Phoenix, Colonnade and Greenbriar and commonly known as one of the Smith Tracts.

(14) The area bounded by Colonnade to the north, Greenbriar to the west, Old Spanish Trail to the south, and by the unrestricted tract in the Colonnade and Phoenix Drive Street Dedication Plat to the east and commonly known as one of the Smith Tracts.

(15) The area included and bounded by West Holcombe Boulevard to the north, Grand Boulevard to the east, Lockett Avenue to the south, and Alameda Road to the west and formerly known as the Nabisco Plant located at 2450 Holcombe.

The South Main/Texas Medical Center is more particularly described in a metes and bounds description and map attached to Ordinance No. 89-712 as Exhibit "A," in Ordinance No. 93-1020 as Exhibit "A-1" and in a metes and bounds description and map attached to Ordinance No. 2002-681 as Exhibit "A-2." Any reference in Chapter 26, Code of Ordinances, or in Ordinance No. 89-712 to Exhibit "A" shall mean Exhibit "A" attached to Ordinance No. 89-712, Exhibit "A-1" attached to Ordinance No. 93-1020 and Exhibit "A-2" attached to Ordinance No. 2002-681. All properties abutting and fronting on the streets included in the general description of this area may not be included on Exhibit "A," "A-1," or "A-2."

Special residential uses means uses which include rooming houses, group dwellings, community facilities, homes for physically or mentally handicapped, lodging houses or other similar uses.

Sports club/health spa means a building equipped with facilities to promote and encourage physical exercise, development and relaxation.

Sports complex means a facility or area containing baseball, softball, football and soccer fields and related uses.

Stadium means a building with tiers of seats designed to accommodate spectator sports and other types of public amusement and entertainment.

Summit/Greenway means an area generally described as follows:

(1) The area included and bounded by Buffalo Speedway, Richmond Avenue, Timmons Lane, Southwest Freeway (U.S. 59).

(2) The area included and bounded by the Southwest Freeway (U.S. 59), Edloe Street, Westpark Drive and Wesleyan.

(3) The area included and bounded by Wesleyan, Portsmouth Street, Timmons Lane and the Southwest Freeway (U.S. 59).

(4) The area included and bounded by Richmond Avenue, Edloe Street, Timmons Lane and a line approximately 500 feet north of and parallel to Richmond Avenue.

The Summit/Greenway Area is more particularly described in a metes and bounds description and map attached to as Ordinance No. 89-712 as Exhibit "B." All properties abutting and fronting on the streets included in this description of this area may not be included in Exhibit "B."

Supermarket means a building containing a self-service retail food and household goods store, including but not limited to, convenience stores.

Swimming club means a building or area the primary use of which is aquatic sports or recreation.

Temporary classroom building means a building(s) built on skids and which is utilized by a public school district for the purpose of eliminating the shortage of classrooms in order to bring the student/teacher ratio into compliance with state law.

Tennis/racquet club means a building equipped with courts designed for playing racquet sports.

Theater means a building or area containing facilities for the performance of theatrical, literary or lyrical productions.

Trade school means a building providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a college or university, or school (private, denominational or private).

Transit facility means a facility which is:

(1) Owned and operated by the Metropolitan Transit Authority (METRO);

- (2) A permanent and integral part of the transit system of METRO;
- (3) Designed to serve as a point from which METRO patrons take ingress and egress from the METRO transit system; and
- (4) Existing and has a remaining useful life which is at least equal to or greater than the life of the structures existing or proposed to be constructed within a proposed parking management area.

In addition, to qualify transit facility, an applicant must obtain a written certification from METRO addressed to the commission that each such facility meets the requirements for designation as a transit facility under this definition.

Transportation terminal means a building or structure which is used to accommodate the arrival and departure of passengers by aircraft, motor bus or railroad train.

Truck terminal means a building designed with two or more loading docks to facilitate the loading or unloading of trailer trucks.

Uptown/Galleria means an area generally described as follows:

- (1) The area included and bounded by San Felipe, South Post Oak, Post Oak Lane and the south boundary of West Oaks Subdivision.
- (2) The area included and bounded by San Felipe, West Loop South, Westheimer and McCue as extended to San Felipe.
- (3) The area included and bounded by Brownway, Yorktown, Sage and West Alabama.
- (4) The area included and bounded by McCue, Westheimer, Sage and a line approximately 600 feet north of and parallel to Westheimer.
- (5) The area included and bounded by Westheimer, West Loop South, Richmond Avenue and Sage.

The Uptown/Galleria Area is more particularly described in a metes and bounds description and map attached to Ordinance No. 89-712 as Exhibit

"C." All properties abutting and fronting on such streets included in this description of this area may not be included in Exhibit "C."

Useable floor area or UFA means the gross floor area of a structure excluding lobbies, hallways, restrooms, elevators, stairwells, mechanical shaft or verticle penetrations, atriums, mechanical rooms and service rooms.

Veterinary clinic means a building, the principal use of which is for the examination and treatment of animals.

Warehouse means a building in which goods or merchandise are stored.

(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 90-635, §§ 54, 55, 5-23-90; Ord. No. 92-1173, § 1, 9-2-92; Ord. No. 93-514, §§ 37, 38, 5-5-93; Ord. No. 93-1020, §§ 1, 2, 9-25-93; Ord. No. 94-1268, § 4, 11-22-94; Ord. No. 96-958, §§ 2, 3, 9-18-96; Ord. No. 98-613, § 52, 8-5-98; Ord. No. 02-399, § 54, 5-15-02; Ord. No. 02-691, § 1, 7-31-02)

Sec. 26-3. Site plan requirements for off-street parking and loading; penalty for chapter violations.

(a) The site plan review to verify compliance with all the off-street parking requirements of this chapter will be performed by the department. The site plan review process must be completed prior to the issuance of a building permit.

(b) No building permit shall be issued by the building official for the construction or alteration of a building within the city unless the director approves the site plan verifying that the applicant provides for the parking and loading needs for the facilities as required in this chapter except as provided in articles IV and V of this chapter. The director will be responsible for the review and approval of the site plan for compliance with the requirements of this chapter.

(c) No certificate of occupancy, as that term is used in the Building Code, shall be issued by the building official for a new or altered building wherein there has been a change in the use or occupancy classification unless the parking and loading facilities required for the new type of occupancy or use are constructed or provided. Prior to the issuance of a certificate of occupancy,

the building official shall inspect the parking and loading facilities provided to verify compliance with the approved site plan.

The building official may issue a building permit that does not require the construction of parking or loading facilities required by this chapter if the building permit is for the reconstruction of an existing building of which 50 percent or less was physically destroyed by flooding, fire, windstorm or acts of God. This exemption shall apply only where reconstruct-

tion of that building will not result in an increase in the GFA or UFA of the building or a change in use.

Except as provided in section 26-28(h) herein, no site plan review shall be required for work performed by a tenant, on behalf of a tenant, in:

- (1) A shopping center; or
- (2) A portion of a building in excess of 20,000 square feet of GFA, unless that tenant finish work alters the exterior dimensions of the shopping center or the building. For buildings that are less than 20,000 square feet of GFA, a site plan review for compliance with this chapter shall be required where a change of occupancy is proposed for all or a portion of that building.

In addition, the building official shall issue a building permit that does not require the construction of parking or loading facilities if the building permit does not pertain to the construction or alteration of a building for the purpose of increasing the intensity of use on the site and does not result in an increase in intensity of use on the site or a change in use of that building specifically including, but not limited to, finish work performed by a tenant, or on behalf of tenant, in all or a portion of a shopping center or other structure.

(d) The city council hereby finds and declares that a central business district(s) as herein defined has in place:

- (1) A demonstrated modal split of at least 20 percent ridership in favor of public transportation;
- (2) A significant level of parking that is available to the public without restriction (except for payment of a fee) that provides supplemental parking to that provided as a part of the individual land uses in the district(s); and
- (3) Hourly loading restrictions imposed by ordinance of the city council.

Having made these findings, city council has determined that the central business district has

in place an adequate level of parking and loading facilities and it is hereby exempted from the requirements of this chapter.

(e) It shall be a violation of this chapter for any person to construct or alter any building or improvement upon any property within the territorial limits of the city without first complying with the provisions of this chapter; provided, however, that no submission or approval of a site plan shall be required for the construction or alteration, of a building or improvement within the central business district. Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not less than \$100.00 nor more than \$500.00. Each day that such violation continues shall constitute a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violation of this chapter.

(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 92-1449, § 41, 11-4-92; Ord. No. 96-958, § 4, 9-18-96; Ord. No. 02-399, § 55, 5-15-02)

Sec. 26-4. Deed restriction compliance.

A site plan submitted for review in order to verify compliance with all of the off-street parking requirements of this chapter shall not include any land for off-site parking that is restricted to residential use where the use or intended use of that restricted property as an off-site parking facility for a nonresidential purpose or enterprise would violate the applicable deed restrictions.

(b) No site plan submitted for review pursuant to this chapter shall be approved by the director if any of the off-site parking facility or facilities utilized to satisfy the off-street parking requirements of this chapter includes any land that is restricted to residential use and the use or intended use of that restricted property as an off-site parking facility for a nonresidential purpose or enterprise would violate the applicable deed restrictions.

(c) Every applicant who submits a site plan for review to verify compliance with the requirements of this chapter shall furnish to the director a certified copy of the instruments containing the deed restrictions, or the instrument of revocation

or termination, or the declaratory judgment, or any other recorded document containing restrictions that affect the use of all or any part of the property within the site plan, including all on-site and off-site parking facilities. If there are no recorded restrictions affecting the use of any of the property included within the site plan then the applicant shall submit a current abstractor's certificate or a title commitment which expressly states that there are no recorded restrictions applicable to the subject property. An abstractor's certificate or a title commitment required by this Section shall be prepared within 30 days prior to the date submitted by a title company authorized by law to do business in this state or by an attorney licensed to practice law in this state.

(d) No site plan shall be approved and no building permit or certificate of occupancy shall be issued until the requested supporting documentation has been produced. Any site plan approved or permit issued on the basis of either erroneous documentation or false information is void with the same force and effect as if it had never been approved or issued without the necessity of any action by the City of Houston, Texas or any other person or agency.

(Ord. No. 92-53, § 2, 1-22-92)

Secs. 26-5—26-19. Reserved.

categories listed in section 26-21 hereof unless the building includes the construction of or provides for the off-street parking facilities. Such facilities shall be on the same site as the use those facilities are intended to serve except as otherwise provided for in this chapter.

(Ord. No. 89-712, § 2, 5-17-89)

Sec. 26-21. Parking spaces for certain types of occupancies.

Except for buildings located in a parking management area created under the provisions of section 26-29 of this Code, the construction of a building for any of the following types of occupancies shall provide the requisite number of off-street parking spaces, or the incremental number of off-street parking spaces in the case of an alteration, as shown below for that type of occupancy. The requirements of this article do not apply to the placement of temporary classroom building(s) for public schools where:

- (1) There is a reasonable likelihood that the construction necessitating a temporary classroom building will not continue for more than five years; and
- (2) An analysis of the public school site and the buildings thereon support the conclusion that timely compliance with the statutory student/teacher ratio cannot be achieved without the installation of the temporary classroom building(s).

ARTICLE II. REQUIREMENTS FOR PARKING SPACES

Sec. 26-20. In general.

No building permit shall be issued for the construction or alteration of a building in the

Type of Occupancy

Class 1. Office:

- a. Office
- b. Financial facility

Class 2. Residential:

- a. Apartment house

Parking Spaces

2.5 spaces for every 1,000 square feet of GFA or 2.75 for every 1,000 square feet of UFA
 4.0 spaces for every 1,000 square feet of GFA (see also section 26-40(1)(d))
 1.250 spaces for each efficiency apartment
 1.333 spaces for each one-bedroom apartment
 1.666 spaces for each two-bedroom apartment

*Type of Occupancy**Parking Spaces*

	2.0 spaces for each apartment with 3 or more bedrooms
b. Single-family residential dwelling unit	2.0 parking spaces for each dwelling unit
c. Manufactured home	2.0 parking spaces per dwelling unit
d. Special residential uses	0.3 parking space per sleeping room, plus 1.0 parking space per employee on largest shift
e.. Retirement community (with kitchen facilities)	0.75 space per dwelling unit, plus parking spaces for support based upon the provisions of section 26-28 hereof
f. Retirement community (without kitchen facilities)	1.0 space for every 6 beds plus 1.0 space per employee on largest shift
g. Hotel or motel	1.0 parking space for each sleeping room up to 250 rooms; 0.75 parking spaces for each sleeping room from 251 rooms to 500 rooms; 0.50 parking spaces for each sleeping room in excess of 500 rooms
Class 3. Health Care Facilities:	
a. Hospital	2.2 spaces for each bed proposed to be constructed
b. Psychiatric hospital	1.0 space for each 4 beds proposed to be constructed and 1.0 space for every 4 employees
c. Clinic (medical complex)	2.7 spaces for every 1,000 square feet of GFA
d. Clinic (medical or dental)	3.5 spaces for every 1,000 square feet of GFA
e. Nursing home	1.0 space for every 3 beds proposed to be constructed and 1.0 space for every 4 employees
f. Funeral home or mortuary	0.5 spaces for every chapel seat
g. Veterinary clinics	5.0 spaces for every 1,000 square feet of UFA
Class 4. Industrial, Commercial Manufacturing:	
a. Multi-tenant (or multi-building project):	
1. At grade (no docks)	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 5,000 square feet of GFA of warehouse space
2. Semi-dock high	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 5,000 square feet of GFA of warehouse space
3. Full-dock high	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 7,000 square feet of GFA of warehouse space
b. Bulk warehouse	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 7,000 square feet of GFA of warehouse space
c. Heavy manufacturing and industrial	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 spaces per 2,000 square feet of GFA of warehouse space
d. Light manufacturing assembly and research and development	2.5 spaces per 1,000 square feet of GFA of office space; and 1.0 space per 1,500 square feet of GFA of assembly space

Type of Occupancy

Parking Spaces

- e. Transportation terminal
- f. Truck terminal
- g. Mini-warehouse facilities
- Class 5. Religious and Educational:
- a. Church

6.5 spaces per 1,000 square feet of GFA of waiting area
 1.0 spaces per 2,000 square feet of GFA
 1.0 spaces for every 40 storage units or bays

- b. Nursery school or day care center

1.0 space for every 5 fixed seats in auditorium or sanctuary or, if there are no fixed seats, 1.0 space for every 40 square feet of GFA in the main auditorium or sanctuary
 1.0 space for every employee on duty during the largest shift, plus 1.0 space for every 5 children in attendance when the facility is operating at maximum capacity or, if drop-off facilities are provided under section 26-40(1)(d) hereof, 1.0 space for every employee on duty during the largest shift and 1.0 space for every 10 children in attendance when the facility is operating at maximum capacity

- c. School (Public, denominational or private)
- 1. Elementary school
- 2. Junior high school
- 3. Senior high school
- d. College or university or trade school

1.5 spaces per thirty-person classroom
 3.5 spaces per thirty-person classroom
 9.5 spaces per thirty-person classroom
 1.0 space for every 3 employees plus 1.0 space for every 10 students residing on campus and 1.0 space for every 5 students not residing on campus
 1.2 space for every 1,000 square feet of GFA
 3.0 spaces for every 1,000 square feet of GFA of exhibit area or gallery space

- e. Library
- f. Art gallery or museum

Class 6. Recreation and Entertainment:

- a. Golf course
- b. Movie theater
- c. Bowling alley
- d. Theater, auditorium or arena
- e. Tennis/racquet club
- f. Sports club/health spa
- g. Roller or ice skating rink
- h. Swimming club
- i. Park (5—10 acres)

5.0 spaces for every green
 0.3 spaces for every seat
 5.0 spaces per lane
 1.0 space for every 3 seats
 3.0 spaces per court
 5.0 spaces for every 1,000 square feet of GFA
 5.0 spaces for every 1,000 square feet of GFA
 9.0 spaces per employee
 1.0 space for the first 2 acres and 1.0 space for each additional acre and additional parking must be provided for each additional facility or land use constructed in the park as herein provided
 5.0 spaces for the first acre; and 1.0 space for each additional 10.0 acres; additional parking must be provided for each additional facility or land use constructed in the park as herein provided
 1.0 space for each picnic table
 1.0 space for every 40 square feet of seating
 1.0 space for each hole
 1.0 space for each tee

- j. Park (over 10 acres)

- k. Park pavilion
- l. Sports complex
- m. Miniature golf
- n. Driving range (golf)

<i>Type of Occupancy</i>	<i>Parking Spaces</i>
o. Arcade or game room	1.0 space for every 200 square feet of GFA
p. Billiard hall	2.0 spaces for every billiard table
Class 7. Bar or Restaurant:	
a. Restaurant (including outdoor decks, patio and/or seating areas)	8.0 spaces for every 1,000 square feet of GFA and outdoor decks, patio and/or seating areas in excess of 15% of gross floor area
b. Bar, club or lounge (including outdoor decks, patio and/or seating areas)	10.0 spaces for every 1,000 square feet of GFA and outdoor decks, patio and/or seating areas
Class 8. Retail Services:	
a. Supermarket or convenience market	5.0 space for every 1,000 square feet of GFA
b. Clothing store	4.0 spaces for every 1,000 square feet of GFA
c. Furniture store	2.0 spaces for every 1,000 square feet of GFA
d. Retail store (freestanding)	4.0 spaces for every 1,000 square feet of GFA
e. Building materials or home improvement store	4.0 spaces for every 1,000 square feet of GFA of retail sales area
f. Barber or beauty shop	3.0 spaces for each operator chair and 1.0 space for each employee
g. Shopping center (strip) (up to 25,000 GFA)	4.0 spaces for every 1,000 square feet of GFA, except the increment of GFA used for a bar, club or lounge shall provide the equivalent of 10 spaces for every 1,000 square feet of GFA
h. Shopping center (neighborhood)(25,001—100,000)	4.0 spaces per 1,000 square feet of GFA, plus increment
i. Shopping center (community) (100,001—399,999)	4.0 spaces per 1,000 square feet of GFA
j. Shopping center (regional) (400,000—1,000,000 GFA)	5.0 spaces for every 1,000 square feet of GFA
k. Shopping center (super regional) (over 1,000,000 GFA)	4.0 spaces for every 1,000 square feet of GFA
l. Discount store	4.0 spaces for every 1,000 square feet of GFA
Class 9. Automobiles:	
a. Auto sales dealer	5.5 spaces for every 1,000 square feet of GFA
b. Auto repair establishment	5.0 spaces for every 1,000 square feet of GFA
c. Car wash (automated)	2.5 spaces for each bay or stall for stacking space
d. Car wash (all other)	1.0 space per stall
e. Service station	3.0 spaces for each service stall and 1.0 space for each employee on duty during largest shift
f. Auto parts and supply store	4.0 spaces for every 1,000 square feet of GFA of retail sales area.

(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 92-1173, § 2, 9-2-92; Ord. No. 94-1268, § 4, 11-22-94; Ord. No. 96-958, § 5, 9-18-96)

Sec. 26-22. Unspecified uses.

(a) The director shall determine the appropriate use category in each case. If there is any uncertainty with respect to the amount of parking space required by the provisions of this chapter as

a result of any indefiniteness as to the proposed use of a building or of land, the maximum requirement for the general type of use that is involved shall govern.

(b) The director shall determine the minimum number of parking spaces required for any use not specified above. The director shall consider the following in establishing parking requirements for an unspecified use:

- (1) Documentation supplied by the applicant regarding actual parking demand for the proposed use;
 - (2) Evidence or data in available planning and technical studies relating to the proposed use;
 - (3) Required parking for the proposed use as determined by other comparable jurisdictions; and
 - (4) Required parking for similar uses.
- (Ord. No. 89-712, § 2, 5-17-89)

Sec. 26-23. Fractional requirements.

If the parking requirements of this chapter result in a fractional requirement, and that fraction is 0.5 or greater, the property owner shall provide parking spaces equal to the next higher whole number.

(Ord. No. 89-712, § 2, 5-17-89)

Sec. 26-24. Use of parking space.

All required parking facilities shall be maintained for the duration of the use requiring such areas. Such facilities shall be used exclusively for the temporary parking of passenger automobiles, motor vehicles, or light trucks not exceeding one ton in capacity and shall not be used for the sale, display or storage of merchandise, or for the storage or repair of vehicles or equipment. An owner may install the required parking spaces in phases if the schedule has been approved by the director. Each phased parking installation must include enough parking to meet the parking requirements for the completed phases of the development for which the parking is provided. This phasing schedule must specifically indicate the dates on which all parking approved pursuant to this chapter will be provided.

(Ord. No. 89-712, § 2, 5-17-89)

Sec. 26-25. Accessible parking.

Accessible parking spaces for vehicles operated by or for persons with disabilities shall be provided in accordance with state and federal standards. When only one parking space is required under this chapter, accessible parking requirements shall be in addition to the one parking space so required.

(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 96-958, § 6, 9-18-96; Ord. No. 02-399, § 56, 5-15-02)

Sec. 26-26. Parking for compact cars.

A maximum of 35 percent of the spaces may be designed and reserved for small or compact cars. In addition, no such compact spaces shall be permitted in any building designed to be used for residential purposes or in parking lots of less than 40 parking spaces. Compact parking spaces shall be identified by appropriate directions and marking.

(Ord. No. 89-712, § 2, 5-17-89)

Sec. 26-27. Off-site parking.

(a) Except as otherwise provided herein specifically including but not limited to land included within a PMA created under the provisions of section 26-29 hereof, no site plan or building permit shall be approved by the department unless at least 75 percent of the parking facilities required by this chapter are located on the site for which the permit is sought. Provided, however, that all or any portion of the parking facilities required by this chapter may be located off the site for which the permit is sought if those parking facilities are located no more than 250 feet from a public entrance and that 250 feet is on a clearly delineated pedestrian path or walkway.

(b) No site plan or building permit shall be approved by the director for any off-site parking facility intended to provide 25 percent or less of the parking requirements imposed by this chapter for that use, unless a principal public entrance for such parking facility is located 500 feet or less from a principal public entrance to the proposed or existing building; provided, however, that parking areas designated for employee parking only may be up to 500 feet from an employee entrance to the structure. All distances shall be measured

along sidewalks and other passageways which are intended to be and remain open to the public at all times. In the event that more than one parking facility or building is to be constructed or provided under the requirements of this chapter, the director, based on recommendations from the traffic engineer, shall determine compliance with this section on the basis of the distance between a principal entrance of the structure containing the parking facility and a principal entrance of the nearest building to be served by such facility or facilities.

(c) Where off-site parking is proposed in excess of that otherwise permitted in this section 26-27, no permit shall become effective, and no use dependent upon such parking shall begin or continue, unless and until a variance has been granted under the provisions of article V of this chapter and until a memorandum of lease (or the complete lease agreement) in recordable form duly signed and acknowledged by the owner of the land to be used for parking shall have been furnished to the city, in form and substance approved by the city's legal department.

(d) The memorandum of lease (or complete lease agreement) shall provide that the leased property shall be used solely for parking purposes and shall insure the continued availability of the off-site parking facilities for the use they are intended to serve. In the event of the termination of the lease or if the leased property which is required to meet the minimum parking requirements ceases to be used for such purpose for whatever reason, immediate steps shall be taken by the holder of the certificate of occupancy to obtain substitute approved parking which will

comply with the requirements of this chapter. If no such acceptable arrangements are made within 90 days, the director may revoke the certificate of occupancy for that use and that use shall cease immediately. Provided, however, that if a holder of a certificate of occupancy has provided for leased property to be used solely for parking purposes as herein provided, and that leased property becomes unavailable through no fault of the holder of the certificate of occupancy or is rendered unusable through no fault of the holder of the certificate of occupancy, that holder must make substitute approved parking arrangements which comply with the provisions of this chapter within 120 days. If such arrangements are not made within that time frame, the director may revoke the certificate of occupancy for that use and that use shall cease immediately.

(Ord. No. 89-712, § 2, 5-17-89)

Sec. 26-28. Shared parking requirements.

(a) Notwithstanding any other parking requirements of this chapter, when any parcel of land is proposed to be used for two or more of the distinguishable purposes listed below (i.e. mixed use development), the adjustment of the minimum number of parking spaces required to serve the combination of all occupancies shall be determined in accordance with the following formula:

- (1) Determine the minimum amount of parking required for each occupancy as though it were a separate use;
- (2) Multiply each such amount by the corresponding percentage for each applicable time period showing in the following schedule:

PARKING CREDIT SCHEDULE

	<i>Weekdays</i>		<i>Weekends</i>	
	<i>Nights</i> <i>Midnight—</i> <i>6 a.m.</i>	<i>Day</i> <i>9 a.m.—</i> <i>4 p.m.</i>	<i>Eve.</i> <i>6 p.m.—</i> <i>Midnight</i>	<i>Day</i> <i>9 a.m.—</i> <i>4 p.m.</i>
<i>Uses</i>				
Commercial/	5%	50%	90%	100%
Retail				
Hotel	80%	80%	100%	80%
				100%

	<i>Nights</i>	<i>Weekdays</i>		<i>Weekends</i>	
	<i>Midnight—</i>	<i>Day</i>	<i>Eve.</i>	<i>Day</i>	<i>Eve.</i>
	<i>6 a.m.</i>	<i>9 a.m.—</i>	<i>6 p.m.—</i>	<i>9 a.m.—</i>	<i>6 p.m.—</i>
		<i>4 p.m.</i>	<i>Midnight</i>	<i>4 p.m.</i>	<i>Midnight</i>
Office/Indus- trial	5%	100%	10%	10%	5%
Restaurant	10%	50%	100%	50%	100%
Entertain- ment/recre- ation (the- atres, bowling alleys)	10%	40%	100%	80%	100%
All others	100%	100%	100%	100%	100%

- (3) Calculate the column total for each time period;
- (4) The column total with the highest value is the parking space requirement.

(b) In determining whether to approve an adjustment for shared parking, the director shall consider all relevant factors, including:

- (1) The characteristics of each use and the differences in projected peak parking demand, including days or hours of operation.
 - (2) Potential reduction in vehicle movements afforded by multipurpose use of the parking facility by employees, customers or residents of the uses served.
 - (3) Potential improvements in parking facility design, circulation and access afforded by a joint parking facility.
 - (4) Whether space will be conveniently usable without causing unreasonable:
 - a. Hazard to pedestrians.
 - b. Hazard to vehicular traffic.
 - c. Traffic congestion.
 - d. Interference with safe and convenient access to other parking areas in the vicinity.
 - e. Detriment to any residential neighborhood.
 - (5) The degree of certainty regarding the continued availability of the shared parking facilities for the uses they are intended to serve.
 - (6) The report and recommendation of the director and the traffic engineer.
- (c) All requirements and conditions herein imposed upon the shared parking facility, including adequate assurance of the continued availability of the shared parking facilities for the uses they are intended to serve, shall be set out in either of the following ways:
- (1) Memorandum of lease covering the shared parking facilities restricting the use of said shared parking area for parking purposes only; or
 - (2) A reciprocal easement agreement specifically setting forth the areas which will be used exclusively as parking areas.

Such written agreement shall be in a form and of a substance approved by the city attorney. The

applicable instrument shall be delivered by the applicant, with the appropriate recording fees, to the director for recordation in the real property records of the county in which the property is located. This instrument shall serve as notice to all subsequent purchasers of the existence of a shared parking facility and all requirements associated therewith. If the memorandum of lease or reciprocal easement agreement is removed or superseded in any way by the parties or their successors or assigns, substitute off-street parking must be provided in conformance with the requirements of this chapter. If no alternate parking facilities are provided as required by this chapter within ninety (90) days of notice from the city that substitute parking is required, the city may revoke the certificate of occupancy for the applicable building or buildings for the use then existing.

(d) Public entrances to a mixed use development shall be no more than five hundred (500) feet from the closest entrance to the shared parking facility; provided, however, that parking areas designated for employee parking only may be up to five hundred (500) feet from an employee entrance to the structure.

(e) Parking spaces reserved or to be reserved on a twenty-four-hour basis shall be designated on the applicant's site plan. These spaces shall not be included in the calculation of available spaces to meet the minimum parking space requirements of this chapter for a shared parking facility.

(f) A residential use shall not be eligible for a shared parking adjustment.

(g) If a shared parking facility is approved, the permittee shall provide signage providing information clearly indicating the availability of this facility for patrons of participating uses.

(h) After a shared parking facility has been approved, any subsequent change, addition or deletion in the original occupancies, or any significant change in intensity of use of such occupancies shall require site plan approval. No certificate of occupancy for the changed occupancies shall be issued without site plan approval for the revised shared parking facility.

(Ord. No. 89-712, § 2, 5-17-89)

Sec. 26-29. Parking management areas.

(a) The city will permit the creation of parking management districts to accommodate parking needs within certain major activity centers within the city in which there is evidence that parking demand is or can be met on a permanent basis through means other than off-street parking as herein provided. Substituted parking ratios may be approved if the requirements of this section 26-29 are met. Under no circumstances, however, shall substituted parking ratios exceed those ratios set out in section 26-21 hereof.

(b) Areas may be designated as parking management areas upon the written application of the holder(s) of legal interests within the proposed parking management area. That application shall include the following:

- (1) An application fee set by the director to cover administrative expenses of the city related to the creation of a parking management area;
- (2) An application form prescribed by the director including the names and addresses of holder(s) of legal interests in the proposed area;
- (3) A proposed parking management plan which outlines the following within the proposed area:
 - a. Existing land uses and any known proposed uses with the gross floor area or useable floor area and the floor area ratio for each such use;
 - b. Existing and proposed public and private parking facilities;
 - c. Existing and proposed transit facilities or other alternative mode(s) of transportation which will be implemented; the permanency of such transit facilities, or mode(s); the extent of the program and number of vehicles the transit facilities or mode(s) will replace; and other pertinent information or other evidence that current and future parking demand will be met within the boundaries of the proposed area on a permanent basis;

- d. The approximate number of vehicular trips generated by the uses existing within the proposed area and the average vehicle occupancy;
- e. Approximate number of people employed within the area and the peak demand hour for parking;
- f. The approximate number of people who reside within the proposed area;
- g. Assurances to the city that spillover parking in unrelated neighborhoods will not occur and a summary of the measures which will be taken to prevent spillover parking; and,
- h. The proposed substituted parking ratios for the area and the bases for those ratios.

- (4) A survey illustrating the boundaries of the proposed area.

(c) The commission shall hold at least one (1) public hearing upon the designation of the area as a parking management area and on the contents of the applicant's proposed parking management plan. Within forty-five (45) days after the public hearing, the director shall submit his recommendations to the commission regarding the designation of the area and the proposed substituted parking ratios, if desired, and imposing such additional conditions as are deemed necessary to protect the public health, safety or welfare of the adjacent area and to assure compliance with the objectives of this section 26-29.

(d) Within twenty-eight (28) days after the staff report, the commission shall adopt a final report and recommendation to city council regarding the designation of the proposed area, setting out appropriate parking ratios, if desired, and imposing such additional conditions as are deemed necessary to protect the public health, safety or welfare of the adjacent area and to assure compliance with the objectives of this section 26-29. In addition, if the commission recommends that a parking management area should be created within the proposed area, the commission's final report to city council, at a minimum, must find that:

- (1) The area has at least two principal land uses;

- (2) The area has at least three million five hundred thousand (3,500,000) square feet of existing gross floor area and an existing floor area ratio of at least 1.0;
 - (3) The area is a compact, contiguous tract bounded primarily by major thoroughfares or other physical features within which tract all points are no more than one thousand eight hundred (1,800) feet from an existing transit facility (as herein defined) which is adequate to serve all existing and proposed uses which are within one thousand eight hundred (1,800) feet from the transit facility as certified by the metropolitan transit authority;
 - (4) Parking deficiencies will not result from reduced parking standards, incompatible or competing parking uses or inadequate enforcement and regulation to control temporary changes or maintain exclusive use of the spaces for specified commercial development; and
 - (5) If any private sector parking facilities are proposed to be utilized as a basis for substituted parking ratios within a proposed area, the owner or owners of those private sector parking facilities have agreed to the provisions of the city's consent to the creation of the area.
- (e) Upon its receipt of the commission's report, the city council may act to approve or disapprove the creation of the proposed parking management area by motion, resolution or ordinance.
- (f) The city council hereby finds and declares that the South Main/Texas Medical Center as herein defined meets the prerequisites set out in section 26-29(d)(1) through (5) hereof and hereby approves the creation of a parking management area comprised of this area without the necessity of complying with the procedures set out in section 26-29(a) through (e) hereof. Due to the unique nature of this area, city council designates the interim substituted parking ratio for this area in the form of a minimum parking ratio of 1.2 spaces per one thousand (1,000) square feet of GFA. At no time shall the aggregate available parking within this area be less than this ratio. This ratio shall be applicable to this area for up to three (3) years from the date of passage of this Ordinance No. 89-712. Within this three-year period, the director shall prepare a final parking management plan substantially containing the plan elements set out in section 26-29(b)(3) hereof. Upon at least fifteen (15) days' notice in a newspaper of general circulation, the commission shall hold a public hearing on this parking management plan. If the commission finds that this plan indicates that the substitute parking ratio established herein should be altered, the commission may recommend to the city council that this ratio be revised to reflect the result of the final plan. In no case, however, shall the revised parking ratios exceed those ratios specified in section 26-21. Upon the recommendation of the commission, the city council may act to approve or disapprove the revision of this ratio. If no final plan is submitted as required herein, the interim parking ratio established herein shall continue in effect until such time as the final plan is complete and revised parking ratios are established.
- (g) The city council hereby finds that the Uptown/Galleria as herein defined meets the prerequisites set out in section 26-29(d)(1) through (5) hereof and hereby approves the creation of a parking management area composed of this area without the necessity of complying with the procedures set out in section 26-29(a) through (e) hereof. The city council designates the interim parking ratios for this area as follows:
- (1) Offices—Two and seventy-five hundredths (2.75) spaces for every one thousand (1,000) square feet of usable floor area.
 - (2) Shopping centers (all types)—Four (4.0) spaces for every one thousand (1,000) square feet of UFA.
 - (3) Hotels—One (1.0) parking spaces for each sleeping room up to two hundred fifty (250) rooms plus five-tenths (0.5) parking spaces for each sleeping room in excess of two hundred fifty (250) rooms.
 - (4) Other uses—See ratios in section 26-21 hereof.
- The interim parking ratios shall be applicable to this area for a period of up to three (3) years

from the date of passage of this Ordinance No. 89-712. Within this three-year period, the director shall prepare a final parking management plan substantially containing the plan elements set out in section 26-29(b)(3) hereof. Upon at least fifteen (15) days' notice in a newspaper of general circulation, the commission shall hold a public hearing on this parking management plan. If the commission finds that this plan indicates that the substitute parking ratio established herein should be altered, the commission may recommend to city council that this ratio be revised to reflect the results of the final plan. In no case, however, shall the revised parking ratios exceed those ratios specified in section 26-29(g). Upon the recommendation of the commission, the city council may act to approximate or disapprove the proposed revision of these ratios. If no final plan is submitted as required herein, the interim parking ratios established herein shall continue in effect until such time as the final plan is complete and revised parking ratio are established.

(h) The city council hereby finds and declares that Summit/Greenway Area as herein defined meets the prerequisites set out in section 26-29(d)(1) through (5) hereof and hereby approves the creation of a parking management area composed of this area without the necessity of complying with the procedures set out in section 26-29(a) through (e) hereof. The ratios applicable to this area shall be those contained in this chapter until such time as the director shall prepare a final parking management plan substantially containing the plan elements set out in section 26-29(b)(3) hereof. Upon at least fifteen (15) days' notice in a newspaper of general circulation, the commission shall hold a public hearing upon this parking management plan. If the commission finds that this plan indicates that the substitute parking ratios established in this chapter are not appropriate, the commission may recommend that these ratios be revised to reflect the results of the final plan. In no case, however, shall the revised parking ratios exceed those ratios specified in section 26-21. Upon the recommendation of the commission, city council may act to approve or disapprove the proposed revision of these ratios.

Supp. No. 16

(i) Review of parking management area designation:

- (1) The designation of a parking management area created hereunder may be reviewed upon petition of:
 - a. Fifty-one (51) percent of the holders of legal interests within the area; or,
 - b. Fifty-one (51) percent of the owners of taxable real property within the area; or,
 - c. The owners of taxable real property representing more than fifty-one (51) percent of the appraised value within an area; or,
 - d. Upon motion by the city council or the commission.
- (2) Within sixty (60) days of such a petition or motion, the commission shall re-evaluate the area and, if warranted, may recommend that the city council:
 - a. Add or change the parking ratios for the area; or
 - b. Terminate the area designation.
- (3) If the parking ratios are altered or designation of an area is terminated by city council as a result of this re-evaluation, all uses which have been permitted on or before that expiration date shall be permitted to continue to exist except as otherwise provided in this chapter. All uses permitted after that date shall comply with the revised parking ratios or parking requirements of this chapter.

(j) An applicant may request that additional tracts be added to a parking management area at any time by following the requirements prescribed by the commission for the addition of land to an area.

(Ord. No. 89-712, § 2, 5-17-89)

Sec. 26-30. Reserved.

ARTICLE III. LOADING FACILITIES REQUIREMENT

Sec. 26-31. In general.

No building permit shall be issued for the construction or alteration of a building in the cate-

gories listed in section 26-32 unless the building includes the construction of, or provides for, the following required loading berths for that use as shown in section 26-32.

(Ord. No. 89-712, § 2, 5-17-89)

Sec. 26-32. Requirements for certain types of occupancies.

The construction or alteration of all buildings for any of the following types of occupancies shall provide the number of loading berths shown below for that type of occupancy.

<i>Classification</i>	<i>Loading Berth Requirements</i>
Class 1. Office:	
a. Up to 300,000 square feet of GFA	None
b. 300,001 to 750,000 square feet of GFA	1.0
c. 750,001 to 1,500,000 square feet of GFA	2.0
d. Over 1,500,001 square feet of GFA	3.0
Class 2. Residential—Apartment:	
a. Up to 35 dwelling units per acre or less than 3 stories which ever is less represents less dwelling units	None
b. More than 35 but less than 50 dwelling units per acre or 3 or more stories, whichever represents less dwelling units	1.0
c. More than 50 dwelling units per acre or 5 or more stories, whichever represents less dwelling units	2.0
Class 3. Residential—Hotel and Motel:	
a. Up to 100,000 square feet of GFA	None

<i>Classification</i>	<i>Loading Berth Requirements</i>
b. 100,001 square feet to 200,000 square feet of GFA	1.0
c. 200,001 square feet to 300,000 square feet of GFA	2.0
d. Over 300,001 square feet of GFA	3.0
Class 4. Retail Services:	
a. Up to 10,000 square feet of GFA	None
b. 10,000 square feet to 60,000 square feet of GFA	1.0
c. Each additional 60,000 square feet or part thereof of GFA	1.0
Class 5. Industrial, Commercial and Manufacturing:	
a. Up to 50,000 square feet of GFA	None
b. 50,001 to 100,000 square feet of GFA	1.0
c. 100,001 to 400,000 square feet of GFA	2.0
d. Over 400,001 square feet of GFA	3.0
Class 6. Restaurant, Bars and Lounges:	
a. 25,000 square feet to 50,000 square feet of GFA	1.0
b. Each additional 50,000 square feet of GFA	1.0

Sec. 26-33. Standards for loading berths constructed at grade.

(a) Each loading berth provided hereunder and constructed at grade must be a minimum of ten feet wide and 55 feet long. Where a loading berth is to be constructed at grade and adjacent to a major thoroughfare or major collector street, the property owner shall provide an additional 40-foot maneuvering length on-site if one loading

berth is required or, if more than one loading berth is required hereunder, one additional 40-foot maneuvering length on-site for each two loading berths.

(b) The director may reduce required stall length and maneuvering length if the property owner demonstrates that known delivery vehicles can park and maneuver within the proposed loading and maneuvering spaces so that no part of a vehicle using or maneuvering into the loading berth will project into a public right-of-way, access easement or private street.

(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 98-334, § 2, 4-29-98)

Secs. 26-34—26-39. Reserved.

view the site plan and make recommendations to the director regarding these facilities.

- (5) The director has approved the site plan where a development plat has been filed with the city or he has approved the building permit application for a site for which a subdivision plat has been filed.

(b) The director shall approve a building permit application which complies with the provisions of this chapter and all other provisions of the ordinances of the City of Houston.

(c) The director shall deny in writing all building permit applications that do not comply with the provisions of this chapter.
(Ord. No. 89-712, § 2, 5-17-89)

ARTICLE IV. BUILDING PERMITS

Sec. 26-40. Review of building permit.

(a) The director shall review building permit applications for the construction or alteration of a building to determine if the proposed building or alteration of a building complies with the following:

- (1) The building permit application identifies the proposed structure and its proposed use.
- (2) The plans for the building or alteration provides at least the minimum number of parking and loading facilities required by articles II and III of this chapter.
- (3) When required by this chapter, the applicant has executed the appropriate documents for an off-site parking facility and presented to the director a certified copy of these documents as recorded in the real property records of the county in which the property is located.
- (4) Whenever a building or structure includes a drive-in or drive-through facility, the director has reviewed and approved the configuration of the parking lots and stalls. The traffic engineer shall also re-

Sec. 26-41. Appeal of denial of building permits.

Appeals from the denial of a building permit for non-compliance with this chapter shall be reviewed in the same manner as subdivision plat variances are reviewed under section 42-33 of this Code.

(Ord. No. 89-712, § 2, 5-17-89)

Secs. 26-42—26-49. Reserved.

ARTICLE V. VARIANCES

Sec. 26-50. Variance procedure.

(a) An applicant for a building permit may make written application to the director for a variance from the requirements of this chapter. A completed application for a variance shall include:

- (1) Completed application form supplied by the city;
- (2) A non-refundable fee of \$942.00; and
- (3) A complete notice in the form set out in Appendix A to Ordinance No. 89-712 to be mailed to all property owners.

This application package shall be reviewed by the department.

(b) Within seven days of the date the application is accepted, the director shall forward a copy of the application to the traffic engineer who shall file his report and recommendations regarding the proposed variance with the secretary of the commission. The city shall mail copies of the notices supplied by the applicant to adjacent property owners within a 500-foot radius of the site for which building permit is sought, within ten days of the date on which the variance will be considered by the commission. The city's failure to mail such notice or failure of the property owner(s) to receive such notice shall not invalidate or affect a variance acted upon by the commission.

(c) A staff report regarding the variance request shall be provided to the commission prior to the meeting at which the variance shall be considered.

(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 91-1174, § 1, 8-14-91)

Sec. 26-51. Standards for variances.

(a) The commission is authorized to consider and grant variances from the provisions of this chapter by majority vote of those members present and voting, when the commission determines that the first five of the following conditions exist, and if applicable, the sixth condition, exists:

- (1) The imposition of the terms, rules, conditions, policies and standards of this chapter would deprive the owner or applicant of the property of reasonable use of the land or building;
- (2) That the circumstances supporting the granting of the variance are not the result of a hardship imposed or created by the applicant and that in granting the variance the general purposes of this chapter are being observed and maintained;
- (3) The intent of this chapter is preserved;
- (4) The parking provided will be sufficient to serve the use for which it is intended;
- (5) The granting of such a variance will not be injurious to the public health, safety or welfare; and

- (6) For a development that is subject to the requirements of article VII, chapter 33, of this Code, the granting of the variance is necessary to accomplish the purposes of a certificate of appropriateness issued pursuant to article VII, chapter 33, of this Code.

(b) In addition, if the variance involves an off-site parking facility, the commission must determine that a proposed off-site parking facility will be located so that it will adequately serve the use for which it is intended. In making this determination, the following factors, among other things, shall be considered:

- (1) The location of the proposed building and the proposed off-site parking facility.
 - (2) Existing and potential parking demand created by other occupancies in the vicinity.
 - (3) The characteristics of the occupancy, including employee and customer parking demand, hours of operation, and projected convenience and frequency of use of the off-site parking.
 - (4) Adequacy, convenience, and safety of pedestrian access between off-site parking and the occupancy.
 - (5) Traffic patterns on adjacent streets, and proposed access to the off-site parking.
 - (6) The report and recommendation of the director and the traffic engineer.
- (Ord. No. 89-712, § 2, 5-17-89; Ord. No. 95-228, §§ 8-10, 3-1-95; Ord. No. 03-159, § 4, 2-12-03)

Sec. 26-52. Applicability of variance.

Any variance granted under the provisions of this section will apply only to the specific property and use upon which the commission was requested to grant a variance by the applicant and shall not constitute a change of this chapter or any part hereof. All variances as granted shall be in writing, shall be signed by the secretary of the commission and maintained as a permanent record of the commission.

(Ord. No. 89-712, § 2, 5-17-89)

Secs. 26-53—26-59. Reserved.

ARTICLE VI. CONSTRUCTION AND MAINTENANCE

Sec. 26-60. Construction standard for parking facilities.

All parking facilities to be constructed hereunder shall be constructed in accordance with applicable provisions of the Construction Code. In addition, the following basic standards for paving and drainage shall be observed:

- (1) Parking and loading facilities shall be surfaced and maintained with asphaltic, concrete, or allweather surfacing or other permanent hard surfacing material sufficient to prevent the accumulation of mud, dust or loose material. Materials may be pervious.
- (2) All parking and loading facilities shall be graded and provided with permanent storm drainage facilities that meet the construction specifications set by the city engineer. Surfacing, curbing and drainage improvements shall be sufficient to preclude free flow of water onto adjacent properties or public streets or alleys and to provide adequate drainage.

(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 93-514, § 39, 5-5-93; Ord. No. 02-399, § 57, 5-15-02)

Sec. 26-61. Safety standards for parking facilities.

(a) All parking and loading facilities provided hereunder shall meet the following safety standards:

- (1) Safety barriers, protective bumpers or curbing, and directional markers have been provided to assure safety, efficient utilization, protection to landscaping, and to prevent encroachment onto adjoining public or private property.
- (2) Motorist visibility of pedestrians, bicyclists, and other vehicles shall be assured when entering individual parking spaces,

when circulating within a parking facility, and when entering and exiting a parking facility.

- (3) Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety.

(b) All parking and loading facilities shall be maintained to assure desirability and usefulness of the facility. Such facilities shall be maintained free of refuse, debris or other accumulated matter and shall at all times be available for the off-street parking or loading use for which they are required or intended.

(Ord. No. 89-712, § 2, 5-17-89)

Secs. 26-53—26-59. Reserved.

**ARTICLE VI. CONSTRUCTION AND
MAINTENANCE**

Sec. 26-60. Construction standard for parking facilities.

All parking facilities to be constructed hereunder shall be constructed in accordance with applicable provisions of the Construction Code. In addition, the following basic standards for paving and drainage shall be observed:

- (1) Parking and loading facilities shall be surfaced and maintained with asphaltic, concrete, or allweather surfacing or other permanent hard surfacing material sufficient to prevent the accumulation of mud, dust or loose material. Materials may be pervious.
- (2) All parking and loading facilities shall be graded and provided with permanent storm drainage facilities that meet the construction specifications set by the city engineer. Surfacing, curbing and drainage improvements shall be sufficient to preclude free flow of water onto adjacent properties or public streets or alleys and to provide adequate drainage.

(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 93-514, § 39, 5-5-93; Ord. No. 02-399, § 57, 5-15-02)

Sec. 26-61. Safety standards for parking facilities.

(a) All parking and loading facilities provided hereunder shall meet the following safety standards:

- (1) Safety barriers, protective bumpers or curbing, and directional markers have been provided to assure safety, efficient utilization, protection to landscaping, and to prevent encroachment onto adjoining public or private property.
- (2) Motorist visibility of pedestrians, bicyclists, and other vehicles shall be assured when entering individual parking spaces,

when circulating within a parking facility, and when entering and exiting a parking facility.

- (3) Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety.

(b) All parking and loading facilities shall be maintained to assure desirability and usefulness of the facility. Such facilities shall be maintained free of refuse, debris or other accumulated matter and shall at all times be available for the off-street parking or loading use for which they are required or intended.

(Ord. No. 89-712, § 2, 5-17-89)